

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

NOV 15 2022

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)	DOCKET NO. 3:22cr-157
)	
)	
)	
)	<u>SUPERSEDING BILL OF</u>
)	<u>INDICTMENT</u>
v.)	
)	Violation:
DAVID TATUM)	18 U.S.C. § 2252A(a)(5)(B)
)	18 U.S.C. § 2252A(a)(1)
)	18 U.S.C. § 2251(a)

THE GRAND JURY CHARGES:

COUNT ONE

From in or about July 2016, through on or about September 22, 2021, in Mecklenburg County, within the Western District of North Carolina and elsewhere,

DAVID TATUM

did, and did attempt to, knowingly possess, and access with intent to view, any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), and that has been mailed, and shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT TWO

From in or about July 2016, through on or about September 22, 2021, in Mecklenburg County, within the Western District of North Carolina and elsewhere,

DAVID TATUM

attempted to and did employ, use, persuade, induce, entice and coerce Child Victim 1 to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct using materials that had been mailed, shipped, or transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2251(a) and (e).

COUNT THREE

From in or about July 2016, through in or about September 22, 2021, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant,

DAVID TATUM

knowingly transported and shipped any child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(1).

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

Notice is hereby given of 18 U.S.C. § 2253. The following property is subject to forfeiture in accordance with Section 2253:

- a. Any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such depiction, which was produced, transported, mailed, shipped, or received during the violations set forth in this bill of indictment;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from proceeds of the violations;
- c. Any property, real or personal, used or intended to be used to commit or promote the violations; and
- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), or (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a), (b) and (c).

The Grand Jury finds probable cause to believe that the following property is subject to forfeiture on one or more of the grounds stated above:

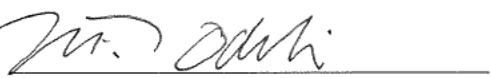
- a. Western Digital My Passport Ultra External Drive; SN: WX21E54UX486
- b. MacBook Pro; SN: C02PFR7WFVH5
- c. Flash drive labeled "Medical School of Wisconsin"
- d. HP Pavilion Model P7-1074

A TRUE BILL:

FOREPERSON

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DENA J. KING
UNITED STATES ATTORNEY



MARK T. ODULIO
ASSISTANT UNITED STATES ATTORNEY